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1 UNITED STATES DISTRICT COURT

2 DISTRICT OF MASSACHUSETTS

3 - - - - - x

4 LIFE IS GOOD, INC.,

5 Plaintiff, Civil Action

6 vs. No. 04-cv-11290-REK

7 LG ELECTRONICS, U.S.A., INC.,

8 LG ELECTRONICS MOBILECOMM

9 U.S.A., INC., (formerly

10 LG INFOCOMM U.S.A., INC.),

11 Defendants.

12 - - - - - x

13 RULE 30(b) (6) VIDEOTAPED DEPOSITION of Life is

14 good., Inc., represented by Albert A. Jacobs, a

15 witness called by and on behalf of the Defendants,

16 taken pursuant to the provisions of the Federal

17 Rules of Civil Procedure, before Dana Welch, a

18 Registered Professional Reporter and Notary Public

19 in and for the Commonwealth of Massachusetts, at the

20 offices of Finnegan, Henderson, Farabow, Garrett

21 & Dunner, LLP, on Thursday, October 13, 2005,

22 commencing at 9:36 a.m.

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1	street and --	10:26:39
2 Q	Would it be fair of me to say that the alleged	10:26:42
3	instances of confusion are not occurring in the	10:26:48
4	commercial marketplace and you are encountering	10:26:52
5	these outside a commercial marketplace?	10:26:58
6	MR. KIRBY: Object to the form.	10:27:03
7	BY MR. SOMMERS:	10:27:05
8 Q	You can answer if you understand or I'll rephrase	10:27:05
9	the question.	10:27:08
10 A	Please rephrase.	10:27:08
11 Q	Yeah. Would it be fair for me to say that these	10:27:09
12	alleged instances of confusion are not occurring in	10:27:13
13	a retail marketing context?	10:27:17
14 A	No. It wouldn't be fair to assume that. In fact,	10:27:20
15	one of the examples I gave you was in a commercial	10:27:22
16	environment. I've indicated that for us, many more	10:27:26
17	instances are not in the business environment.	10:27:29
18	However, it would be very unfair to assume that	10:27:31
19	they're not happening in a commercial environment.	10:27:34
20 Q	Do you know -- do you know whether these people	10:27:37
21	were seeking clarification rather than being	10:27:43
22	confused?	10:27:45

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1	(Off-the-record discussion held.)	10:41:32
2	BY MR. SOMMERS:	10:41:32
3 Q	Mr. Jacobs, what does your company understand LG's	10:41:32
4	business to be?	10:41:41
5 A	A producer of electronics, producer and marketer of	10:41:42
6	electronics and appliances.	10:41:51
7 Q	Anything else?	10:41:52
8 A	I don't know. Cell phones qualify in one of those	10:42:02
9	categories. And I'm sure there's other categories.	10:42:07
10	But in summary, that's -- that's what I perceive	10:42:10
11	the company to be.	10:42:12
12 Q	Is your company in the same line of business?	10:42:13
13 A	I would need some clarification. What do you mean	10:42:18
14	by kind of business?	10:42:27
15 Q	Well, I asked you what your understanding of LG's	10:42:29
16	business was and you testified that it was	10:42:37
17	electronics, a producer and manufacturer of	10:42:39
18	electronics. And my simple question to you was, is	10:42:43
19	Life is good. in the same line of business?	10:42:47
20 A	Life is good. is not in the electronics business.	10:42:54
21 Q	Does your company offer competing products to LG?	10:43:01
22 A	Very few and not closely competing.	10:43:04

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1 Q And what would those be? 10:43:16

2 A LG, as I understand it, makes refrigerators and 10:43:21

3 Life is good. makes coolers; so I would say that 10:43:25

4 they're related items, but not closely competing. 10:43:28

5 Q Would it be fair to say that you don't view LG as a 10:43:31

6 direct competitor? 10:43:40

7 A Yes, that would be fair to say. 10:43:41

8 Q Does your company have any intention of going into 10:43:44

9 the electronics field? 10:43:56

10 MR. KIRBY: As of today, obviously. 10:44:02

11 People's intentions change over time, but I assume 10:44:04

12 you're speaking as of this moment in time. 10:44:09

13 MR. SOMMERS: Could I have you just put 10:44:13

14 your objection on the record. As you know, under 10:44:15

15 the Federal rules, there are numerous objections 10:44:18

16 you can lodge. And if you continue to do this and 10:44:23

17 disrupt the deposition this way, we will have to go 10:44:28

18 back to court. 10:44:32

19 MR. KIRBY: Mark, your question was 10:44:33

20 inherently unclear. And there was nothing either 10:44:36

21 remotely in the nature of coaching or otherwise 10:44:40

22 impermissible with -- with respect to my inquiry. 10:44:43

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1	Q	Okay. Are you prepared to answer the question?	10:53:13
2	A	I am.	10:53:17
3	Q	Okay.	10:53:17
4	A	What's the question, please?	10:53:19
5	Q	Do you have any intentions to go into the	10:53:21
6		electronic products field?	10:53:28
7	A	We do.	10:53:34
8	Q	And what are those?	10:53:36
9	A	We currently sell some home goods and home	10:53:38
10		accessories and it is -- it is part of our plans at	10:53:44
11		some point to either produce or license a complete	10:53:51
12		line of home goods, that would likely include	10:53:55
13		electronic items, for example, lamps, alarm clocks,	10:53:59
14		radios, clocks, et cetera.	10:54:09
15	Q	Would it also include any appliances?	10:54:13
16	A	There are no definite plans for anything like that.	10:54:23
17		And I'm sure -- there are no definite plans for	10:54:29
18		appliances.	10:54:32
19	Q	And what about televisions?	10:54:33
20	A	There are no plans for televisions. But that's not	10:54:34
21		to say that it couldn't happen, particularly under	10:54:38
22		a license agreement where someone else's expertise	10:54:41

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1 MR. SOMMERS: Exhibit 3 in its entirety. 10:56:35

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5 THE WITNESS: So is the question do we 10:56:37

6 consider these two entities together an 10:56:40

7 infringement on Life is good.? 10:56:45

8 10:56:48

9 BY MR. SOMMERS: 10:56:48

10 Q Yes. 10:56:48

11 A No. 10:57:00

12 Q If I could hand you what's been marked as 10:57:04

13 exhibit -- which will be marked as exhibit -- well, 10:57:10

14 let me do this. If I could refer you to simply the 10:57:25

15 stylized face portion of the logo that appears as 10:57:31

16 Exhibit 3 -- 10:57:35

17 A Uh-huh. 10:57:37

18 Q -- and ask you the question, same question: Is it 10:57:37

19 your company's contention that that particular logo 10:57:44

20 or part of Exhibit 3 infringes any rights of your 10:57:54

21 company? 10:57:58

22 A On its own? 10:57:58

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1	Q	On its own.	10:57:59
2	A	No. On its own, we do not see it as an	10:58:00
3		infringement of our rights.	10:58:04
4	Q	Am I correct that -- well, let me -- let me ask it	10:58:05
5		this way: Does your company have an objection to	10:58:16
6		any use of the logo that's depicted in Exhibit 3?	10:58:22
7		MR. KIRBY: And you're referring to the	10:58:30
8		left-hand half of Exhibit 3?	10:58:32
9		MR. SOMMERS: Yes.	10:58:34
10		THE WITNESS: If I understand the	10:58:35
11		question correctly -- I'll ask you to ask it one	10:58:37
12		more time.	10:58:41
13		BY MR. SOMMERS:	10:58:42
14	Q	Please. Is there any context in which the logo	10:58:43
15		that is depicted in its entirety on Exhibit 3, that	10:58:48
16		your company objects to?	10:58:54
17		MR. KIRBY: That's a new question.	10:58:56
18		THE WITNESS: It's very different from	10:58:58
19		the last time you asked it, yeah. I would ask,	10:59:00
20		again, for you to reask it because there's a few	10:59:02
21		different questions in there.	10:59:05
22		BY MR. SOMMERS:	10:59:06

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1 Q I -- I guess what I'm asking -- 10:59:07

2 A It's inconsistent. 10:59:08

3 Q I guess what I'm asking, what -- let me -- let me 10:59:10

4 ask it this way: And just so I understand, we 10:59:19

5 have -- your company has no objection to the use of 10:59:26

6 LG's logo as depicted on Exhibit 3, either together 10:59:32

7 with the letters LG or the logo on its own; am I 10:59:36

8 correct about that? 10:59:41

9 A That's correct. 10:59:43

10 MR. SOMMERS: All right. If I could have 10:59:45

11 what's been marked as Exhibit 4. 10:59:46

12 (Exhibit No. 4 marked for

13 identification.)

14 11:00:03

15 BY MR. SOMMERS:

16 Q Actually, before I ask that question, what is the 11:00:08

17 reason that your company does not have an objection 11:00:08

18 to the logo that's depicted on Exhibit 3? 11:00:13

19 A We don't see it as an infringement. 11:00:16

20 Q And what's the reason for that? 11:00:18

21 A It's a difficult question. I mean, you could point 11:00:20

22 to anything in the world and say why is this not an 11:00:30

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1	infringement. Because it doesn't infringe, in our	11:00:35
2	perspective.	11:00:37
3 Q	If I could refer you to Exhibit 4 and ask, for that	11:00:44
4	particular logo, does your company have an	11:00:47
5	objection to LG's use of that logo?	11:00:52
6 A	Yes, it does.	11:00:58
7 Q	And what is the reason that you have an objection	11:01:00
8	to it?	11:01:02
9 A	The word mark, "life's good," is confusingly	11:01:03
10	similar to "Life is good." And in addition to	11:01:11
11	that, the word mark, "life's good," combined with a	11:01:15
12	form of a smiley face, makes it increasingly	11:01:20
13	confusing with our logo and word mark.	11:01:28
14 Q	Now, am I correct that it's your position that the	11:01:31
15	logo as depicted in Exhibit 3 is not believed to be	11:01:48
16	an infringement of your company's rights, but the	11:01:53
17	logo as it appears on Exhibit 4 is?	11:01:57
18 A	That's correct.	11:02:00
19 Q	If I could turn to specifically the appearance of	11:02:00
20	the logo, the smiley face that's depicted on	11:02:14
21	Exhibit 4, and ask you what is it about that logo	11:02:20
22	in that context that specifically raises a problem	11:02:27

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1	Exhibit 2, which is the complaint filed in this	11:08:20
2	action.	11:08:23
3 A	13?	11:08:26
4 Q	Yes. Thank you. If you could read for me into the	11:08:28
5	record the first sentence of paragraph 13.	11:08:43
6 A	"Life is good.'s corporate philosophy is based on	11:08:46
7	the concept that through the sale of fun products,	11:08:51
8	positive energy and contagious optimism may be	11:08:53
9	spread."	11:08:59
10 Q	Is that an accurate statement of your corporate	11:08:59
11	policy?	11:09:02
12 A	It is an accurate statement of a corporate policy	11:09:02
13	-- or philosophy, rather.	11:09:08
14 Q	Are there different corporate philosophies?	11:09:10
15 A	That is a central corporate philosophy to Life is	11:09:14
16	good.	11:09:20
17 Q	When you indicate here "fun products," what are you	11:09:20
18	referring to?	11:09:25
19 A	Products that make people smile and enjoy simple	11:09:26
20	pleasures.	11:09:33
21 Q	And through these products, how do they generate	11:09:35
22	positive energy and contagious optimism?	11:09:42

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1 A Many ways. It's really -- there are several forms 11:09:46
2 of artistic expression that we believe celebrate 11:09:53
3 the glass being half full, so to speak. 11:09:57
4 Q If I could also refer you to paragraph 14, and 11:10:02
5 specifically, the portion that reads as follows: 11:10:22
6 "That Life is good. has developed a reputation as a 11:10:28
7 company that offers high -- that offers quality 11:10:31
8 products that project a whimsical image and create 11:10:34
9 happy and positive feelings." Do you see that? 11:10:38
10 A Do I agree with that statement in 14? 11:10:41
11 Q Is it accurate? 11:10:44
12 A If you don't mind, I'm just going to read it. 11:10:46
13 Q Please. 11:10:49
14 A Yes. I do agree with it. 11:10:56
15 Q What is it about -- what is it about your company 11:10:59
16 that allows it to project that whimsical image? 11:11:11
17 A There are, I think, many ingredients. And a lot of 11:11:16
18 it is artistic expression, as stated. 11:11:25
19 Q Would it include use of the words "life is good"? 11:11:28
20 A Certainly, that's central. 11:11:32
21 Q Would it include your Jake design? 11:11:33
22 A Many times. 11:11:38

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1 Q What is it about the words "life is good" that 11:11:40
2 creates that? 11:11:43
3 A What is it about the words "life is good" which 11:11:44
4 create happy and positive feelings? I think by 11:11:53
5 their very nature, they are -- the words denote 11:11:57
6 optimism. 11:12:03
7 Q Is that the central message behind the words? 11:12:04
8 A Is that the central message? Is that what you 11:12:20
9 said? 11:12:23
10 Q Uh-huh. 11:12:24
11 MR. KIRBY: You need to speak audibly. 11:12:25
12 THE WITNESS: Say again, Bob. 11:12:28
13 MR. KIRBY: He said "uh-huh." 11:12:30
14 THE WITNESS: Oh. Could you rephrase the 11:12:31
15 question or restate the question? 11:12:33
16 BY MR. SOMMERS: 11:12:35
17 Q Sure. Is that the central question of the words -- 11:12:35
18 I'm sorry. Strike that. 11:12:43
19 Is that the central message of the words 11:12:44
20 "life is good"? 11:12:46
21 A Is what the central message of the words? 11:12:47
22 Q Optimism. 11:12:50

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1 A Yes. It's very central. 11:13:03

2 Q Okay. I guess what I'm trying to understand is how 11:13:05

3 do the words "life is good" allow you to create and 11:13:27

4 engender the positive feelings that your products 11:13:42

5 give? 11:13:47

6 A How do the words -- say that again, please. 11:13:53

7 Q Maybe -- maybe what I'll do is just have you look 11:13:56

8 at this article, and we'll have it marked as 11:14:01

9 Exhibit 6. 11:14:07

10 (Exhibit No. 6 marked for 11:14:24

11 identification.) 11:14:25

12 BY MR. SOMMERS: 11:14:25

13 Q If I could direct you to page 2 of Exhibit 6, which 11:14:25

14 is an article about your company. There is a quote 11:14:36

15 that's attributed to you that reads in the center 11:14:42

16 of the page, "We're selling a message and that is 11:14:45

17 optimism," Bert Jacobs said, "And if anybody needs 11:14:48

18 that, it's those in the city." Do you see that? 11:14:52

19 A Yes, I do. 11:14:55

20 Q Do you recall making that statement? 11:14:56

21 A Not at this specific time, but I'm sure I did. 11:15:01

22 Q So I guess what I'm -- I'm asking is, are the words 11:15:06

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1	"life is good" the message that you are selling to	11:15:15
2	create that optimism?	11:15:17
3 A	As I said, it's very central.	11:15:20
4 Q	Now, am I also correct that if you refer to page 1	11:15:24
5	of Exhibit 4, there is a --	11:15:35
6	MR. KIRBY: Exhibit 6, do you mean?	11:15:41
7	MR. SOMMERS: I'm sorry. Exhibit 6.	11:15:44
8	Thank you.	11:15:45
9	BY MR. SOMMERS:	
10 Q	There is a mention about your advertising or lack	11:15:46
11	of it. And if I could maybe have you read in the	11:15:50
12	first two sentences of the fifth paragraph	11:15:54
13	beginning with the words "All of this has" --	11:15:57
14 A	"All of this has come without a major advertising	11:16:00
15	campaign. In fact, it's come with no advertising	11:16:03
16	at all. The company's only promotions are two	11:16:07
17	annual charity festivals, including one in Boston,	11:16:10
18	Saturday at Lederman Field on the Esplanade, that	11:16:14
19	will feature whiffle ball, horseshoes, watermelon	11:16:18
20	seed spitting and more."	11:16:20
21 Q	Thank you. Is that an accurate statement?	11:16:22
22 A	If you don't mind, I'm going to reread it.	11:16:24

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1	Q	And what specifically happened?	11:17:48
2	A	We were selling T-shirts at a street fair here in	11:17:50
3		Cambridge, Mass, and we sold Life is good. shirts	11:17:59
4		at that street fair.	11:18:05
5	Q	And was this the first time you sold them?	11:18:07
6	A	Yes.	11:18:10
7	Q	And how many shirts did you sell?	11:18:10
8	A	48.	11:18:16
9	Q	How long did it take you to sell them?	11:18:17
10	A	Less than an hour.	11:18:23
11	Q	Were you selling other shirts at the time?	11:18:25
12	A	We were trying.	11:18:33
13	Q	Did those shirts have the words "life is good" on	11:18:34
14		it?	11:18:39
15	A	No, they didn't.	11:18:39
16	Q	What do you believe the reason is for the shirts	11:18:40
17		that bore the words "life is good" sold quickly,	11:18:49
18		while the other ones that did not bear the words	11:18:52
19		"life is good" did not?	11:18:56
20	A	It's a very complicated question. I don't think I	11:18:57
21		could answer it briefly. But I mean, it's sort of	11:19:02
22		the foundation of our entire company, so put a lot	11:19:09

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1 of thought into it. I don't think it could be 11:19:14
2 answered in a quick sentence or two. 11:19:17
3 Q Well, why don't you try to explain to me what your 11:19:19
4 belief is. 11:19:24
5 A I could -- I could never explain all of it, as -- 11:19:25
6 as I said. But I could summarize by saying that 11:19:29
7 our -- that optimism is something that's needed. I 11:19:36
8 think the combination of our graphics and the words 11:19:43
9 was appropriate and the association of Jake with 11:19:48
10 the words. I think the colors chosen and the 11:19:50
11 styles, in addition, helped. And I think an 11:19:58
12 emphasis on simplicity helped. 11:20:07
13 Q Were there colors and styles used in the other 11:20:10
14 shirts that didn't sell? 11:20:14
15 A No. They were very different. 11:20:15
16 Q Were the words "life is good" set across the fronts 11:20:19
17 of the shirts? 11:20:29
18 A Yes. 11:20:30
19 Q With the Jake logo on the front of the shirt? 11:20:31
20 A Yes. 11:20:37
21 Q Was the words "life is good" appearing on labels on 11:20:38
22 the back sides of the shirts, on the inside collar? 11:20:50

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1	A	No.	11:21:00
2	Q	Did the words "life is good" appear any place else	11:21:00
3		on the shirt?	11:21:04
4	A	No.	11:21:05
5	Q	Would it be fair to say that people were buying	11:21:05
6		these shirts with "life is good" because of the	11:21:08
7		message of optimism?	11:21:10
8	A	In part. And again, it would be a central reason.	11:21:12
9	Q	Am I correct that -- well, let me strike that.	11:21:18
10		Before you used the words "life is good,"	11:21:36
11		did you conduct any trademark searches?	11:21:40
12	A	No.	11:21:44
13	Q	Before you adopted the Jake logo, did you conduct	11:21:44
14		any trademark searches?	11:21:48
15	A	No.	11:21:50
16	Q	At any time -- well, let me ask, did you -- before	11:21:51
17		adopting and using the "life is good" words on your	11:22:11
18		T-shirts, did you engage in any investigation or	11:22:16
19		research to determine if you could use those words	11:22:20
20		or not?	11:22:22
21	A	I don't believe so.	11:22:24
22	Q	What made you think that you could use those words?	11:22:26

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1 A To be honest, we were not -- were not very 11:22:29
2 sophisticated at the time. We -- we were out in 11:22:35
3 the streets, hawking T-shirts, and selling 11:22:38
4 door-to-door in college dormitories, so I think we 11:22:43
5 made some assumptions. 11:22:46
6 Q Would you agree with me that "life is good" was a 11:22:47
7 saying at the time? 11:22:54
8 MR. KIRBY: I'm sorry. I didn't hear 11:22:55
9 you, Mark. A saying? 11:22:58
10 MR. SOMMERS: A saying. 11:23:00
11 THE WITNESS: That "life is good" was a 11:23:02
12 saying at the time? 11:23:02
13 BY MR. SOMMERS: 11:23:03
14 Q Yeah. It was a common saying. 11:23:03
15 A A slightly different question. Is it a saying, 11:23:12
16 yes, or was it a saying, yes. A common saying, 11:23:15
17 maybe not. 11:23:18
18 Q But it was -- it was a saying, nonetheless? 11:23:20
19 A Yes. 11:23:26
20 Q Okay. And did you consider using other sayings on 11:23:26
21 your T-shirts? 11:23:32
22 A Yes. 11:23:33

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1	Q	What were those?	11:23:34
2	A	"Life's great." "It's all good." "It's all	11:23:35
3		great." "Ain't life great," et cetera.	11:23:46
4	Q	Did you ever see the saying "have a nice day"?	11:23:51
5	A	Yes.	11:23:54
6	Q	When did you see that?	11:23:54
7	A	I couldn't recollect -- you saying the first time I	11:23:57
8		saw it?	11:24:01
9	Q	Uh-huh.	11:24:02
10	A	I don't ever remember really seeing it in writing.	11:24:03
11		But more commonly, people use it as a greeting.	11:24:06
12	Q	Uh-huh. Do you recall seeing it with -- with a	11:24:09
13		smiley face?	11:24:15
14	A	Yes.	11:24:16
15	Q	When do you first recollect seeing that?	11:24:17
16	A	I -- I couldn't say. I know that -- I couldn't say	11:24:28
17		when I first saw it. I think it became popular in	11:24:29
18		the '60s or something like that.	11:24:32
19	Q	Would it be fair to say that you saw it before you	11:24:35
20		put Jake and the words "Life is good." together on	11:24:37
21		the T-shirts?	11:24:40
22	A	Probably.	11:24:41

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1	record.	11:41:16
2	BY MR. SOMMERS:	11:41:22
3 Q	You indicated before the break that you had sought	11:41:22
4	to build your business around these three words and	11:41:25
5	this character. My question to you is, what are	11:41:29
6	the three words?	11:41:33
7 A	"Life is good."	11:41:34
8 Q	Now, how do you use those words in terms of	11:41:36
9	capitalization and small caps?	11:41:42
10 A	In terms of upper case and lower case letters?	11:41:45
11 Q	Yes.	11:41:50
12 A	We generally capitalize the L; and everything else	11:41:52
13	is lower case; and there's a period after the D.	11:41:57
14 Q	And why is that?	11:42:01
15 A	Oh, it's just the style that we chose and -- yeah,	11:42:04
16	just happens to be the style we chose.	11:42:09
17 Q	Were other styles considered?	11:42:12
18 A	Yes. In fact, the first day that we sold them in	11:42:35
19	the street, the G was capital.	11:42:40
20 Q	And why did you decide not to capitalize the G?	11:42:44
21 A	I believe we wanted it to read more like a short	11:42:49
22	sentence; that's why we had the period and did not	11:42:54

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1 make the G capital. 11:42:58

2 Q Am I correct that it would help communicate it as a 11:43:00

3 message? 11:43:06

4 A It would help communicate what? 11:43:07

5 Q The words "life is good" as a message. 11:43:10

6 MR. KIRBY: Not having the G capitalized, 11:43:14

7 Mark ? 11:43:16

8 MR. SOMMERS: Yes. 11:43:18

9 THE WITNESS: I don't think I'd agree 11:43:18

10 with that statement entirely. 11:43:20

11 11:43:21

12 BY MR. SOMMERS:

13 Q What don't you agree about it? 11:43:22

14 A I think that "life is good" with a capital G is 11:43:25

15 also a message, and "life is good" with a lower 11:43:28

16 case G is also a message. So I don't think that 11:43:31

17 "life is good" with a lower case G helps to convey 11:43:36

18 a message. 11:43:40

19 Q Do you recall who first wrote the words "life is 11:43:44

20 good"? 11:43:57

21 A It's a raging debate. My brother John says it was 11:43:57

22 him and I say it was me. 11:44:03

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1 THE WITNESS: Business strategy today? 11:46:42

2 May I ask you, at what level? You know, business 11:46:51

3 strategy can be very detailed. It can be, you 11:46:55

4 know, a mid-range and then it can be an overarching 11:46:59

5 mission, so to speak. So could you clarify which 11:47:04

6 you would like me to answer? 11:47:08

7 BY MR. SOMMERS: 11:47:09

8 Q Let's start with the overarching. 11:47:09

9 A Okay. The mission of our company is to have a 11:47:11

10 great positive impact on world culture through 11:47:23

11 consumer products. 11:47:27

12 Q Perhaps I can have you expand with the mid-level, 11:47:30

13 then. 11:47:34

14 A Okay. From a mid-level standpoint, we're doing 11:47:34

15 business in about 14 different countries and our 11:47:41

16 business is very strong and profitable and our 11:47:47

17 distribution is through a broad range of channels. 11:47:54

18 And we intend to strengthen our products and 11:48:00

19 strengthen our position in all marketplaces where 11:48:08

20 we do business. 11:48:12

21 It's also central to our mission that our 11:48:13

22 charitable efforts are integrally woven into the 11:48:16

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1	ongoing business strategy. So that we intend to	11:48:21
2	positively impact our culture just by selling	11:48:23
3	products with this optimistic message. And we also	11:48:26
4	intend to reach out physically and gain awareness	11:48:30
5	and give funding to those that need it the most.	11:48:33
6 Q	Has that mid-level description of your business	11:48:36
7	strategy changed at all since 2002?	11:48:42
8 A	No, not -- not for the most part.	11:48:46
9 Q	Since the inception of your company, have you seen	11:48:50
10	increasing sales?	11:48:58
11 A	An increase?	11:48:59
12 Q	Increasing.	11:49:01
13 A	Since the inception of the company?	11:49:02
14 Q	Right.	11:49:05
15 A	Let's hope so.	11:49:06
16 Q	On an annual basis?	11:49:07
17	MR. KIRBY: Year over year?	11:49:09
18	MR. SOMMERS: Yes.	11:49:11
19	THE WITNESS: Yes.	11:49:12
20	BY MR. SOMMERS:	11:49:12
21 Q	Would that also be the case with your market	11:49:12
22	exposure?	11:49:16

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1 A Yes. 11:49:18

2 Q You indicated that -- that you are now expanding 11:49:19

3 outside the United States. I believe that you said 11:49:28

4 the world marketplace, but I may be wrong. What 11:49:35

5 specifically are you referring to? 11:49:41

6 A I was referring to licensing and distributor 11:49:47

7 agreements outside of the boundaries of the United 11:49:51

8 States. 11:49:53

9 Q And where would those include? 11:49:55

10 A I don't know if I can list everywhere. But most of 11:49:58

11 western Europe, Scandinavia, Japan, Korea, Mexico, 11:50:03

12 Canada; I guess that's all that comes to mind right 11:50:11

13 now. 11:50:16

14 Q And am I correct that you're hoping to use the same 11:50:16

15 business strategy that you've employed in the 11:50:20

16 United States in those countries? 11:50:23

17 A We are using it. Yeah, we're currently doing 11:50:28

18 business; so I think it's more than hope at this 11:50:31

19 point. 11:50:34

20 Q All right. Now, I referred to earlier kind of 11:50:35

21 business strategies and marketing plans and things 11:50:47

22 on these order. Are there different documents for 11:50:51

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1 economic backgrounds, et cetera. 11:53:17

2 Q Have you done any studies or market research 11:53:18

3 helping you synthesize that down to your 11:53:25

4 demographic? 11:53:29

5 A Very little. I -- I don't know that -- I -- I 11:53:31

6 don't recall any offhand. Some of our customers 11:53:39

7 may have. And there may have been an advertising 11:53:43

8 or PR firm who, trying to get our business, they're 11:53:53

9 not a -- we're not a client of theirs, they 11:53:57

10 attempted something. And I'm not -- it's not clear 11:54:02

11 to me whether that's available or not. 11:54:04

12 MR. SOMMERS: Okay. I would ask if it is 11:54:07

13 available that it be produced. 11:54:08

14 BY MR. SOMMERS: 11:54:10

15 Q Who is the company? 11:54:11

16 A I don't recall the name. 11:54:12

17 Q And to your knowledge, have you done any surveys or 11:54:13

18 studies or research at any time to measure the 11:54:17

19 degree of consumer recognition of your Life is 11:54:21

20 good. name? 11:54:27

21 A Actually, now that you mention that, I think that 11:54:27

22 was more what this PR firm or ad agency focused on 11:54:32